



Docket No.: 220329US2



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/087,955

Applicants: Tatsutoshi KITAJIMA

Filing Date: March 5, 2002

For: DIGITAL CAMERA

Group Art Unit: 2612

Examiner: Nguye, Luong Trung

SIR:

Attached hereto for filing are the following papers:

**Response to Restriction Requirement**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 220329US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

TATSUTOSHI KITAJIMA

: EXAMINER: NGUYEN, LUONG  
TRUNG

SERIAL NO: 10/087,955

:

FILED: MARCH 5, 2002

: GROUP ART UNIT: 2612

FOR: DIGITAL CAMERA

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RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated October 31, 2005, Applicant provisionally elects with traverse Group I, Claims 1-12, directed to a digital camera including a motion picture recording unit and a still picture recording/storage unit. Applicant makes this election based on the understanding that Applicant is not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicant respectfully traverses the Restriction Requirement on the grounds that the outstanding Restriction Requirement has not established that an undue burden would be required if the Restriction Requirement was not issued and if all the claims were examined together. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present application no undue burden has been established if each of the claims were examined together. In contrast, the present restriction subjects the

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Applicant to the added burden of prosecuting Claims 1-12 and Claim 13 in separate proceedings.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-13 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

*Surinder Sachar*

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